

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

DEREK RAWLINGS, JR.,

Plaintiff,

vs.

Case No. 2:15-cv-02169-JDT-cgc
JURY DEMAND

GARRY ARNOLD,
KENNETH BOYKIN, and
KEELEY GRAY,

Defendants.

**DEFENDANTS' COMBINED MOTION AND SUPPORTING
MEMORANDUM FOR EXTENSION OF TIME TO COMPLETE DISCOVERY
AND FILE DISPOSITIVE MOTIONS**

Defendants, Ofcs. Arnold, Boykin, and Gray (collectively, "Defendants"), pursuant to Rule 6 of Federal Rules of Civil Procedure and other applicable provisions of law, move the Court to extend to December 19, 2016, their time to complete discovery and to extend to January 19, 2017, their time to file any dispositive motions necessary for the defense of the Complaint for Violation of Civil Rights under 42 U.S.C., §1983 ("Complaint") filed herein by Plaintiff Derek Rawlings, Jr. ("Plaintiff"). In support of their Motion, Defendants state as follows:

Memorandum of Facts and Law in Support of Motion

1. Plaintiff filed his Complaint on March 9, 2015. [ECF #1]

2. On March 11, 2015, the Court entered the Order Granting Leave to Proceed In Forma Pauperis and Assessing \$350.00 Filing Fee in Accordance with Prison Litigation Reform Act. [ECF #4]

3. On April 14, 2016, the Court entered the Order to Modify the Docket, Partially Dismissing Complaint and Directing that Process be Issued and Served (the “April 14, 2016 Order”). [ECF #6]

4. In the April 14, 2016 Order, the Court ordered the Clerk to issue process for Defendants. [ECF #6, at 9] On May 10, 2016, each Defendant was served with a Summons, a copy of the Complaint, and a copy of the April 14, 2016 Order. [See ECF #10, #11, #12]

5. Assistant Shelby County Attorneys Bruce D. Brooke and Megan J. Smith undertook the representation of Defendants on May 26, 2016. [ECF #13, #15]

6. On June 7, 2016, the Court entered the Pro Se Prisoner Track Scheduling Order stating all discovery is due by November 4, 2016 and the deadline for filing dispositive motions is December 5, 2016.

7. Defendants respectfully move the Court to extend their time to complete discovery and file dispositive motions by 45 days, to December 19, 2016 and January 19, 2017, for the limited purpose of allowing their attorneys the opportunity to depose Plaintiff and counsel for Defendants an opportunity analyze all possible defenses.

8. Pursuant to Local Rule 7.2(a)(1)(B), undersigned counsel has communicated to Plaintiff about this Motion and the requested extension of time. See Certificate of Consultation by Counsel and copy of October 31, 2016 letter filed herewith.

9. “When an act may or must be done within a specified time, the court may, for good cause shown, extend the time ... with or without motion or notice if the court acts, or if a request is made before the original time ... expires[.]” Fed. R. Civ. P. 6(b)(1)(A).

10. This is Defendants’ first request for an extension of time to complete discovery and file dispositive motions.

11. A proposed Order granting the Motion will be emailed to the Court.

WHEREFORE, Defendants respectfully request that the Court enter an Order extending their deadlines to complete discovery to December 19, 2016 and to file dispositive motions to January 19, 2017.

Respectfully submitted,

s/Megan J. Smith
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Attorneys for Defendants

Certificate of Service

I certify that the foregoing is being filed via the Court's ECF system this 1st day of November, 2016, for service on all persons registered in connection with this case and further certify that, on the same day, a copy is being served upon the following person by first class United States mail, postage prepaid:

Mr. DEREK RAWLINGS, JR.
#485790
Whiteville Correctional Facility
1440 Union Springs Road
Whiteville, TN 38075

s/Megan J. Smith